

FIRST DAY

TUESDAY, JANUARY 13, 2009

Legislature met pursuant to adjournment.

President Wayne E. Zyra in the Chair.

ROLL CALL

Present — Legislators Adair, Andrews, Barker, Beebe, Bronson, Cassetti, Colby, Cruz, Daniele, Dobson, Driscoll, Esposito, Eckel, Gamble, Gumina, Haney, Hanna, Kaleh, LaFountain, Lee, Lightfoot, McCann, O'Brien, Quatro, Tucciarello, Valerio, Yolevich, Zyra - 28

Absent - Legislator Heider - 1

Meeting formally opened. At the invitation of Legislator Richard Yolevich, The Reverend Walter Steenson of Hilton Baptist Church, delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator John G. Driscoll.

APPROVAL OF MINUTES

Without objection, the journal of the session of Day 14 of 2008, December 9, 2008 was approved as submitted.

PETITIONS AND COMMUNICATIONS

PROCLAMATIONS

By the President of the Legislature — Wayne E. Zyra

Proclaimed Jointly with County Executive Maggie Brooks "Rochester Americans Pee-Wee Hockey Team" on their impressive and historical tournament victory.

Read and Filed.

Proclaimed Jointly with County Executive Maggie Brooks and Legislators Harry B. Bronson and Carrie M. Andrews "Gary Swanson" for his dedicated service to Monroe County's working families and wish him a successful and fulfilling retirement.

Read and Filed.

Recognized Jointly with Legislators Jeffery L. McCann, Mark J. Cassetti, Douglas B. Dobson and Richard A. Beebe "The Greece Rotary Club" for their half-century of dedicated service.

Read and Filed.

Recognized Jointly with Legislators E. Daniel Quatro and Carmen F. Gumina "Webster Thomas Titans Varsity Field Hockey Team" for their hard work and outstanding achievement.

Read and Filed.

Recognized Jointly with Legislators E. Daniel Quatro and Carmen F. Gumina "Webster Thomas Titans Boys Soccer Team" for their hard work and outstanding achievement.

Read and Filed.

Recognized Jointly with Legislator Cynthia Kaleh "Nazareth Academy Volleyball Team" for their hard work and outstanding achievement.

Read and Filed.

RECESS

A recess was declared by President Zyra to allow for four **Public Hearings** entitled...

"Prohibiting Text Messaging While Driving". One speaker addressed the Legislature and the hearing concluded at 6:34 P.M.

"Amending Monroe County Code To Restrict Unauthorized Parking On County-Owned Property Within City Of Rochester". No speakers addressed the Legislature and the hearing concluded at 6:35 P.M.

"Amending The Monroe County Code Regarding Responsibilities Of Ways And Means Committee". No speakers addressed the Legislature and the hearing concluded at 6:36 P.M.

"Amending The Monroe County Charter Regarding The Powers And Duties Of The Director Of Office Of Management And Budget". No speakers addressed the Legislature and the hearing concluded at 6:37 P.M.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of January 13, 2009 and proceeded under the Usual Order of Business.

FORMAL COMMITTEE REPORTS

NONE

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Three speakers addressed the Legislature on various subjects and the Open Forum concluded at 6:44 P.M.

RECESS

A recess was declared by President Zyra to allow for a meeting of the **Pure Waters Administrative Board**.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of January 13, 2009 and proceeded under the Usual Order of Business.

LOCAL LAWS

1. Barker,
Hanna & 08-0301 Providing That Local Law (Intro. No. 353 of 2008), Entitled "Prohibiting
Gumina Text Messaging While Driving," Be Lifted From The Table
Intro. 1
M. 1
28-0
2. Barker,
Hanna & 08-0301 Providing That Local Law (Intro. No. 353 of 2008), Entitled "Prohibiting
Gumina Text Messaging While Driving," Be Adopted
Intro. 2 Agenda/Charter Committee; November 18, 2008 – *5-0 (As Amended)
M. 2 Public Safety Committee; November 18, 2008 – *8-0 (As Amended)
28-0

Intro. 353 Main Motion
Local Law TBA
28-0
3. Yolevich & 08-0338 Providing That Local Law (Intro. No. 356 Of 2008), Entitled "Amending
Dobson Monroe County Code To Restrict Unauthorized Parking On County-Owned
Intro. 3 Property Within City Of Rochester," Be Lifted From The Table
M. 3
28-0
4. Yolevich & 08-0338 Providing That Local Law (Intro. No. 356 Of 2008), Entitled "Amending
Dobson Monroe County Code To Restrict Unauthorized Parking On County-Owned
Intro. 4 Property Within City Of Rochester," Be Adopted
M. 4 Agenda/Charter Committee; November 17, 2008 – CV: 5-0
28-0

Intro. 356 Main Motion
Local Law TBA
28-0
5. Andrews & 08-0362 Providing That Local Law (Intro. No. 401 Of 2008), Entitled "Amending The Monroe
Adair County Code Regarding Responsibilities Of The Ways And Means Committee", Be
Intro. 5 Lifted From The Table
M. 5
28-0
6. Andrews & 08-0362 Providing That Local Law (Intro. No. 401 Of 2008), Entitled "Amending The Monroe
Adair County Code Regarding Responsibilities Of The Ways And Means Committee", Be
Intro. 6 Adopted
M. 6
28-0

Intro. 401 Main Motion
Local Law TBA
28-0

7. Adair & 08-0363 Providing That Local Law (Intro. No. 404 Of 2008), Entitled "Amending The Monroe
Andrews County Charter Regarding The Powers And Duties Of The Director Of Office
Intro. 7 Of Management And Budget", Be Lifted From The Table
M. 7
28-0
8. Adair & 08-0363 Providing That Local Law (Intro. No. 404 Of 2008), Entitled "Amending The Monroe
Andrews County Charter Regarding The Powers And Duties Of The Director Of Office
Intro. 8 Of Management And Budget", Be Adopted
M. 8
28-0
- Intro. 404 Main Motion
Local Law TBA
28-0

MOTIONS, RESOLUTIONS AND NOTICES

- Intro. 9
M. 9
28-0
- Quatro/Bronson
Move Agenda Items 9-24 As A Whole
9. Tucciarello & 08-0311 Providing That Resolution (Intro. No. 327 of 2008), Entitled "Eight-Year Review of
Hanna the Monroe County Northwestern Agricultural District #5" Be Lifted From The Table
Intro. 10
M. 10
28-0
10. Tucciarello & 08-0311 Providing That Resolution (Intro. No. 327 of 2008), Entitled "Eight-Year Review of
Hanna the Monroe County Northwestern Agricultural District #5" Be Adopted
Intro. 11 Planning and Economic Development Committee; October 27, 2008 – CV: 5-0 and
M. 11 December 17, 2008 – CV: 5-0 * (As Amended)
28-0
- Intro. 327 Main Motion
Res. 1
28-0
11. Barker & 08-0366 Accepting Grant From Transportation Security Administration For National Explosives
LaFountain Detection Canine Team Program
Intro. 12 Public Safety Committee; December 15, 2008 – CV: 8-0
Res. 2 Ways and Means Committee; January 8, 2009 – CV: 10-0
28-0
12. Barker & 08-0367 Accepting Grant From New York State Division Of Criminal Justice Services For District
LaFountain Attorney Retention Program
Intro. 13 Public Safety Committee; December 15, 2008 – CV: 8-0
Res. 3 Ways and Means Committee; January 8, 2009 – CV: 10-0
28-0
13. Barker & 08-0368 Amending Resolution 288 Of 2005 To Extend Time Period Of Federal Equitable Sharing
LaFountain Agreements With United States Department Of Justice And United States Department Of
Intro. 14 Treasury
Res. 4 Public Safety Committee; December 15, 2008 – CV: 8-0
28-0 Ways and Means Committee; January 8, 2009 – CV: 10-0

14. Barker,
Daniele &
LaFountain
Intro. 15
Res. 5
28-0

08-0369

Accepting Grant From New York State Office Of Homeland Security For FY08 Interoperable Emergency Communications Grant Program (IECGP); Authorizing Intermunicipal Agreements With First Responder Agencies Within Monroe, Genesee, Livingston, Ontario, Orleans And Wayne Counties, New York State Emergency Management Office And New York State Police For Interoperable Emergency Communications Grant Program
Public Safety Committee; December 15, 2008 – CV: 8-0
Intergovernmental Relations Committee; January 6, 2009 – CV: 4-0
Ways and Means Committee; January 8, 2009 – CV: 10-0
15. Barker &
LaFountain
Intro. 16
Res. 6
28-0

08-0370

Accepting Grant From United States Department Of Justice, Office Of Justice Programs, For FY 2008 Forensic Casework DNA Backlog Reduction Program
Public Safety Committee; December 15, 2008 – CV: 8-0
Ways and Means Committee; January 8, 2009 – CV: 10-0
16. Barker,
Hanna &
LaFountain
Intro. 17
Res. 7
28-0

08-0371

Accepting Grant From New York State Office Of Children And Family Services For Alternatives To Detention And Prevention Of Detention And Residential Placement For Youth At Risk Of Entering Juvenile Justice System Or Becoming Person In Need Of Supervision (PINS)
Public Safety Committee; December 15, 2008 – CV: 8-0
Human Services Committee; January 6, 2009 – CV: 6-0
Ways and Means Committee; January 8, 2009 – CV: 10-0
17. Valerio &
LaFountain
Intro. 18
Res. 8
28-0

08-0372

Resolution Applying For And Authorizing Filing Of Application For Funds From New York State Department Of Environmental Conservation For Invasive Plant Species Eradication Grant
Recreation and Education Committee; January 6, 2009 – CV: 5-0
Ways and Means Committee; January 8, 2009 – CV: 10-0
18. Valerio &
LaFountain
Intro. 19
Res. 9
28-0

08-0373

Accepting Grant From New York State Office Of Parks, Recreation And Historic Preservation For Movies In The Parks Program
Recreation and Education Committee; January 6, 2009 – CV: 5-0
Ways and Means Committee; January 8, 2009 – CV: 10-0
19. Daniele,
Hanna &
LaFountain
Intro. 20
Res. 10
28-0

08-0374

Authorizing An Intermunicipal Agreement With Genesee County For Services Provided By Monroe County Medical Examiner's Office
Intergovernmental Relations Committee; January 6, 2009 – CV: 4-0
Human Services Committee; January 6, 2009 – CV: 6-0
Ways and Means Committee; January 8, 2009 – CV: 10-0
20. Hanna &
LaFountain
Intro. 21
Res. 11
28-0

08-0375

Accepting Grant From New York State Department Of Health For Healthy Neighborhoods Program
Human Services Committee; January 6, 2009 – CV: 6-0
Ways and Means Committee; January 8, 2009 – CV: 10-0
21. Cassetti &
LaFountain
Intro. 22
Res. 12
28-0

08-0376

Authorizing Contract With Ajay Glass & Mirror Company, Inc. For Construction Of Monroe Community College 2009 Window Replacement And Concrete Repair Project
Environment and Public Works Committee; December 17, 2008 CV: 6-0
Ways and Means Committee; January 8, 2009 – CV: 10-0
22. Cassetti &
LaFountain
Intro. 23
Res. 13
28-0

08-0377

Authorizing Contracts With Villager Construction, Inc., Blackmon-Farrell Electric, Inc., And LeClaire-Fleming Mechanical Contractors, Inc. For Construction Services For The Rochester Pure Waters District's Clinton & Keeler Pump Station Improvements Project
Environment and Public Works Committee; December 17, 2008 CV: 6-0
Ways and Means Committee; January 8, 2009 – CV: 10-0

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| <p>23. Colby, Daniele & LaFountain
Intro. 24
Res. 14
28-0</p> | <p>08-0379</p> | <p>Authorizing Advertisement For Bids; Concur With City Of In Awarding Contract And Enter Into Intermunicipal Agreement Relating To Improvements To Brooks Avenue-Genesee Park Boulevard To West City Line In City Of Rochester
Transportation Committee; December 17, 2008 – CV: 9-0
Intergovernmental Relations Committee; January 6, 2009 – CV: 4-0
Ways and Means Committee; January 8, 2009 – CV: 10-0</p> |
| <p>24. Valerio & LaFountain
Intro. 25
Res. 15
28-0</p> | <p>08-0391</p> | <p>Accepting Grant From New York State Office of Parks, Recreation and Historic Preservation For Snowmobile Trail and Maintenance Program; Authorizing Contracts With Hilton Sno-Flyers And Webster Ridge Runners For Development and Maintenance Of Trails
Recreation and Education Committee; January 6, 2009 – CV: 5-0
Ways and Means Committee; January 8, 2009 – CV: 10-0</p> |

Matters of Urgency

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|---|----------------|---|
| <p>25. Yolevich & Dobson
Intro. 26

Intro. 27
M. 12
28-0

Intro. 26
Res. 16 (As Amended by M. 12)
28-0</p> | <p>08-0392</p> | <p>Re-Appointments To Internal Audit Committee
Matter Of Urgency

Haney/O'Brien
Motion to Amend Intro. 26 to strike the word "Internal" from File No. 08-0392

Main Motion</p> |
| <p>26. Yolevich & Dobson
Intro. 28
Res. 17
28-0</p> | <p>08-0393</p> | <p>Confirmation of Appointments To 911 Operating Practices Board
Matter Of Urgency</p> |
| <p>27. Quatro & Yolevich
Intro. 29

Intro. 30
M. 13
28-0</p> | <p>09-0001</p> | <p>Authorizing Project To Purchase And Install A Media System Capable Of Recording And Archiving Video And Audio For Monroe County Legislature Meetings
Matter Of Urgency

Driscoll/Quatro
Motion to Amend Intro. No. 29 of 2009 as follows:

<u>Section 2. Funding for this contract is included in capital fund 1314 COB Reconstruction fund 9001, funds center 1209020000, Finance, Unallocated.</u>

File No. 09-0001

Added language is <u>underlined</u>.
Deleted language is stricken.

O'Brien/Bronson
Motion to Commit to Committee File No. 09-0001
<i>(Legislators Bronson, Andrews, Beebe, Cruz, Eckel, Esposito, Gamble, Gumina, Haney, Kaleh, Lee, Lightfoot and O'Brien voted in the positive)</i>

Main Motion</p> |
| <p>Intro. 31
M. 14
13-15 F

Intro. 29
Res. 18 (As Amended by M. 13)
28-0</p> | | |

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| 28. Barker &
LaFountain
Intro. 32
Res. 19
28-0 | 09-0002 | Authorizing Agreement Among Monroe County Executive, Monroe County Sheriff And Monroe County Sheriff Police Benevolent Association, And Compensation Program For Management & Professional Employees
Matter Of Urgency |
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UNFINISHED BUSINESS

Legislator Andrews asked Chief Financial Officer Scott Adair several questions pertaining to the Pilot Program payments.

Legislator Haney asked Chief Financial Officer Scott Adair several questions regarding the sale of tax liens in 2008.

Legislators LaFountain and Lightfoot commended Public Safety Director Stephen P. Bowman and Richard Verdow on the tour of the Mobile Communications vehicle.

Upon Motion by Legislator E. Daniel Quatro, the Legislature adjourned at 7:25 P.M. until Tuesday, February 3, 2009 at 6:00 p.m.

LISA POLITO NICOLAY
Clerk of the Legislature